

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF ADAM CHRISTOPHER
JENSEN, by the Personal Representative
PAULA DOW, *et al.*,

Plaintiffs,

v.

COUNTY OF SNOHOMISH, *et al.*,

Defendants.

CASE NO. C20-1320-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion to file confidential material under seal (Dkt. No. 34). Having considered the motion and the relevant record and finding good cause, the Court hereby GRANTS the motion for the reasons described below.

Plaintiff has filed a civil rights lawsuit pursuant to 42 U.S.C. § 1983 in which she alleges, among other things, that on September 9, 2018 Snohomish County Defendants used excessive force against her son, resulting in his death. (Dkt. No. 4.) The Snohomish County Defendants acquired video footage of events just prior to, during and immediately following the incident in question. (*See* Dkt. No. 34 at 2.) The parties have stipulated with respect to the confidentiality of many of the materials associated with this litigation, including this video footage, in a separate protective order approved by the Court on February 3, 2021. (*See* Dkt. No. 32.) The video footage that is the subject of this motion is identified as Bates Nos. DOW 00027-30. (Dkt. No.

34 at 2.)

The Court understands that Snohomish County Defendants will shortly be filing a motion for partial summary judgment and seek to file a selection of the video clips in support of their motion under seal pursuant to the terms of the protective order, in the interest of preserving the confidential nature of this video footage and to prevent potential jurors from forming improper bias if they were to view this evidence before trial. (Dkt. No. 34 at 2.)

Parties may seek to file a document under seal pursuant to Local Civil Rule 5(g). While there is a strong presumption of public access to the Court's files, a document designated as "confidential" in discovery that a party seeks to attach to a dispositive motion may be filed under seal so long as the party shows "compelling reasons" to do so. *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-81 (9th Cir. 2006).

In the instant case, the video that Snohomish County Defendants seek to file in support of their motion contains both sensitive footage of the incident underlying Plaintiff's complaint and depictions of minors. (Dkt. No. 34 at 3.) This is a sufficiently compelling reason to maintain such information under seal and that reason outweighs the public's interest in its disclosure. *See Karpenski v. Am. Gen. Life Cos., LLC*, 2013 WL 5588312, slip. op. at 1 (W.D. Wash. 2013).

Accordingly, the Court GRANTS the motion to seal (Dkt. No. 34) the video footage to be included with Defendants' anticipated motion for summary judgment.

DATED this 29th day of March 2021.

A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE